

REMARKS

In the Office Action mailed June 11, 2008, the Office noted that claims 1-17 were pending and restricted claims 1-17. Claims 13, 16 and 17 have been amended, claims 14 and 15 have been canceled, and, thus, in view of the foregoing claims 1-13, 16 and 17 remain pending for reconsideration which is requested. No new matter has been added. The Office's restriction is traversed below.

Claim 13 has been amended to include the features of claims 14 and 15. Support for the amendment may be found, for example, in cancelled claims 14 and 15. The Applicant submits that no new matter has been added by the amendment of claim 13.

RESTRICTION

Responsive to the restriction requirement imposed in the outstanding Official Action, Applicant provisionally elects Group I, claims 1-12, drawn to a transponder, with traverse.

The reasons for traverse follow.

The two groups have a common point that is the transponder antenna (5,21) electrically connected in a detachable manner to the integrated circuit (1) through intermediate connecting element (4,20).

Group II claims a tool (2) for reading and/or writing data in the integrated circuit (1) of a transponder including its own reading antenna (22) and the detachable antenna (5,21) of the transponder. Thus, Group I, is integral to the function of Group

II and as such place no additional burden to search on the Office.

Further, the restriction requirement is believed to be improper and should not be repeated for the following reasons:

1. The Office has relied upon the restriction practice set forth in chapter 800 of the Manual of Patent Examining Procedure (MPEP) in making this requirement.

2. The present Application however is a national stage Application filed under 35 U.S.C. § 371, and is consequently governed by the unity of invention practice set forth in PCT Rule 13 and 37 CFR § 1.499, and not by the restriction practice set forth in Chapter 800 of the MPEP. The Office's attention is also kindly directed to section 1893.03 of the MPEP.

3. It is additionally noted that during the international phase of the instant application, the Searching Authority did not find lack of unity of invention since all of the claims were addressed in the International Search Report and International Preliminary Report on Patentability. Thus, examination of all the pending claims in this national stage Application cannot reasonably be construed to impose an undue burden on the Examiner. Moreover, according to article 27 (1) PCT, "[n]o national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations." (See

MPEP § 1850.)

Accordingly, withdrawal of the restriction requirement and early and favorable prosecution of all the claims on the merits is respectfully requested.

SUMMARY

It is also submitted that claims 1-13, 16 and 17 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/lk